

From: [REDACTED]
Cc: [Town Center; Sharif Etman](#)
Subject: #opinion : Electronic Communications Policy: It's back again.
Date: Friday, February 23, 2024 7:14:40 PM

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To: PV Town Council

I thought the original plan was to bring the Electronic Communication Policy to the various commissions and committees for discussion and feedback FIRST before bringing it back to the council. I would have liked to have had the proposed policy communicated to the community as well before being published in the agenda today for next week's TC meeting.

1. This section is unclear:

V. Brown Act and Open Government

1 a. Electronic Communications between Council members or Commissioners/Committee Members Concerning Town Business.

Electronic communications should not normally be sent by a Council or Commission/Committee member to more than one other Council or Commission/Committee member concerning Town business and should never be used to form or attempt to form a consensus on an issue within the Town's business. **Such a writing** should be for informational or procedural purposes. Writings for informational purposes should state "For Informational Purposes Only – Please Do Not Respond."

If a subcommittee (less than quorum, which by definition is not subject to the Brown Act) is created for the purpose of working on some project, how do the members of that subcommittee make progress on their project without communicating back and forth via email?? How do they come to an agreement on what they wish to propose?

If this section is meant **only** to refer to communication of information or procedure to the **entire (or quorum of)** council, commission, or committee, then the section should state that directly along with clarifying the allowance for subcommittee members to communicate with each other via email on substantive issues where an agreement may be necessary.

2. Furthermore, I would like this section to include an explicit note to say that private email lists should not be used to communicate a decision on an issue forthcoming on a council, commission, or committee agenda, even if no more than one other member is included in the private email list.

3. Under V section c. E-Communications with the Public on Social Media Platforms.

In accordance with the Brown Act, Council members, Commissioners, and Committee members may engage in separate conversations with members of the public via E-Communication, including via Social Media Platforms, to answer questions, provide information, and request information from the public on matters of Town business. Council members, Commissioners, and Committee members may not respond directly to any communication on a Social Media Platform posted, made, or shared by another member of

the body on which they serve if it concerns a matter of that body's business. This prohibition applies to commenting, posting emojis or other images, and other digital icons (including clicking on a reactive symbol, such as "thumbs up," "like," or "heart")

I would like to see this section modified to require members who communicate on social media platforms (including the PVForum, which I run) to also cc a copy to a Town e-mail address if the comment involved Town Business.

4. In IV Public Records and Records Retention

c. E-Communications by Commissioners and Committee Members. Commissioners and Committee members who have not been issued a Town email address may use their personal accounts for Town business. In order to ensure that the Town has a record of all e-communications concerning Town business, e-communications concerning Commission/Committee business **should include a copy to a Town e-mail address (staff or Council liaison or alias)**. Commissioners and Committee members shall keep a record of all e-communications other than email communications (such as social media or text conversations) relating to Town business and provide a copy to the Town Clerk upon request in the event of a Public Records Act request.

A subcommittee (less than quorum) is not subject to the Brown Act. As such, having to keep a record of all e-communications and emails and include a town email address while conducting the business of that subcommittee goes way beyond the requirements of the Brown Act and is intrusive and excessive. (See my last comment in this email)

5. Comments on Agenda meetings: I would like to see a Town Email address provided that sends the messages to all Town Council members as another option instead of having to use an awkward online form.

6. Data Records: It would seem to me that the disposition of all the emails sent and received to Town email addresses should be addressed in the ordinance including the frequency of backups of the data, how long it is kept, the costs involved of data storage, and under what circumstances members are allowed to delete emails.

7. Finally, I have to say that we would appear to be crafting portions of this ordinance with the assumption that those of us volunteering on council, commissions and committees are engaging in inappropriate and nefarious dealings.

My 2 cents,

Rebecca Flynn

Commission member, now Non-Brown Act Committee member, and PVForum Moderator

